UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,823	10/23/2001	Kuo-Pin Wu	APIP0104USA	6940

27765 7590 06/14/2005

NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER	
GRANT II, JEROME	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,823	WU ET AL.	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 5-6-05

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 12, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo et al.

Regarding claim 1, Lo teaches an image capturing device (element 144) which is electrically connected to a servicing station (element 130), the servicing station connected to a network (element 120) , an on-line user (plurality of client sources, see item 34 in figure 1, se also the plural work groups or network scanners according to col. 14, lines 65 – col. 15, line 9. See also col. 20, lines 32-37. Lo teaches the clients connected to the network the image capturing device comprising: a housing (element 144); an image generating module installed inside the housing for generating image data and transmitting the image data to the servicing station (note element 144 of figure 2 must inherently have an image generating module to generate image data, and it also must inherently have transmission mechanism to transmit the generated image data to the servicing station) ; and a control circuit installed inside the housing and electrically connected to the image generating module for controlling

operations of the image capturing device (element 144 inherently has a control circuit to control the operations of the image capturing device; the servicing station comprising: a driver program for commanding the control circuit to control the operations of the image capturing device (see figure 3 element 136); a network servicing program for controlling communications between the servicing station and the network, see element 132 and providing an on-line user list see element 604; and an image transmitting program for transmitting the image data via the network, see element 132. Lo teaches wherein when the control circuit receives a start signal, the control circuit controls the image generating module to generate the image data and transmit the image data to the servicing station (note that it is inherent that the image capturing device comprises a "start" button , or the application software comprises a start button, and that when the s tart button is pressed, the control circuit will respond to the start signal. Upon receiving the s tart signal, the control circuit controls the image generating module to generated image data, and the image data is then transmitted to the client or the servicing station. Lo teaches the image transmitting program transmits the image data to the on-line user client(see elements 132 and 108) via the network according to the on-line user list see element 604.

Regarding claim 8, the image capturing device of claim 1 wherein the image transmitting program transmits the image data to the on-line user clients(plurality of client sources, see item 34 in figure 1, se also the plural work groups or network scanners according to col. 14, lines 65 – col. 15, line 9). See also col. 20, lines 32-37. (see element 102) via the network servicing program, element 132.

With respect to claim 12, Lo teaches the image capturing device wherein the servicing station further comprises: user data which records a plurality of user information (see col. 16, lines 45-51, see also figure 11 and element 604), the network servicing program providing t he on-line user list according to the related user data so that the on-line list only lists on-line users with related user data records (see element 604).

Regarding claim 17, Lo teaches that the client 102 has a program capable of receiving image data from the servicing station 130.

Regarding claim 19, Lo teaches element 144 as the scanner.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo further in view of Wieringa

With respect to claim 2, Lo teaches all of the subject matter upon which the claim depends except for a start button installed in the housing of the scanner.

However, Weiringa teaches a start key installed on the housing of the scanner , see figure 2 and element 42.

Therefore it would have been obvious to one of ordinary skill in the art to combine the features disclosed by Lo (network scanning) with Wieringa's feature (start key installed on the housing of the scanner for the purpose of providing a start signal on a scanning housing. The motivation is suggested by Wieringa so that it would be easier to initiate a scanning sequence.

3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al. in view of Benson.

With respect to claim 3, Lo teaches all of the subject matter upon which the claim depends except an event detector.

Benson teaches an event detector (see element 50) used in a data processing system.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the event detector of Benson with the invention of Lo in such a way t hat then the control circuit receives the start signal, the control circuit transmits a device signal to the event detector (whether by the use of interrupts, or polling) and then the event detector notifies the driver program to receive the image data from the image capturing device, If the method of polling isu use,d the motivation, according to Benson is to timely detect events with the cost excessive consmptionof controller time, see col. 1, lines 49-53), or to reduce the overhead of polling for a large number of possible events

(with the cost of slower polling rate, referred to at col. 1, lines 53-57). If interrupts are used, the motivation is to provide quick detection of events (controller must be mae capable of processing interrupts at the fastest rate of occurrence), col. 2, lines 18-23.

Regarding claim 4, Lo does not disclose that the control circuit generates an interrupt request to the serving station.

However, Benson teaches that an interrupt cab be generated to notify the controller or the servicing station (refer to Col. 1, lines 65-67) of the service requests.

Regarding claim 5, Lo does not disclose polling the image capturing device. However, Benson teaches the method of polling a device according to col. 1, lines 19-57.

Regarding claim 6, Lo teaches an event table (see figure 5, elements 160) and 162 and also refer to col. 8, lines 49-54. That is stored in the servicing station.

An event detector as disclosed by Benson can be used in combination with the event table (as disclosed by Lo et al.) to notify the driver program to receive the image data from the image capturing device according to the event table.

With respect to claim 7, Lo teaches that it is obvious that the servicing statioi (element 130) must have an operating system in order to manage and control its

resources, and that every OS (such as Windows, Linux, Unix, Solaris) maintains at least an event table within the OS kernel for inter-process communications.

With respect to claim 9, Lo teaches the image data file is saved on the servicing station , see step 494. The servicing station must contain a data storage device in order to save the image data file. The transmitting program, element 132, receives the image data from the data storage device and transmits it to the client.

4.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Benson further in view of Izumi.

Regarding claim 10, Lo and Benson teach all of the subject matter upon which the claim depends, but fails to show deletion of image data in the data storage device.

Izumi teaches the deletion of image data in the printer's memory, see col. 8, lines 57-63.

Therefore, it would have been obvious to one skilled in the art to combine the image data deletion (disclosed by Izumi) with the features disclosed by Lo and Benson in such a way tat the image data is deleted after the image transmitting program receives the image data from the data storage device. The motivation to do so is, according to

Izumi, to prevent the memory area in the data storage device from being occupied by the unnecessary image data, and to allow effective use of the memory area of the data storage device (refers to col. 8, lines 59-63).

Regarding claim 11, it is obvious that the data storage device is dynamic memory or magnetic media (see step 494 of Lo).

5.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Kirmse.

With respect to claim 13, Lo teaches all of the subject matter upon which the claim depends except for the on-line user list is being received from the server, and that the network servicing program transmits user information to the server via the network.

However, Kirmse teaches a game server for use in connection with a messenger server where the messenger server can transmit the on-line user list to the messenger clients (see col. 6, lines 7-20). Each messenger client registers with the messenger server by sending user information to the messenger server (see col. 6, lines 5-7). Kirmse discloses that it is not limited to games. Another non-game application could be

used instead (col. 4, lines 11-18). So it would have been obvious to one or ordinary skill in the art to use the network scanning service disclosed by Lo, instead of the a game service in connection with a messenger service. The motivation to do so is to provide interactive chat sessions among a group of users, and also to share images after being generated by scanner.

With respect to claim 14, Krimse teaches a messenger server that contains a user list data base, and a buddy list database. The user list database maintains various information about a user (see col. 6, lines 5-7) and the buddy list database maintains information about a group of users. The messenger program only lists on line users according to the buddy list (refer to col. 6, lines 7-20). See figures 8-10.

With respect to claim 15, Kirmse teaches that the messenger users must be enrolled or registered, see col. 6, line 6. So it is clear that the messenger server provides user registration and group service.

Regarding claim 16, Lo teaches all of the subject matter upon which the claim depends except the network servicing program that detects the network directly to roved the on line user list.

However, Kirmse teaches this feature as shown in figure 11b. So it is clear that the game client or the messenger client (the network servicing program) has the ability to detect and communicate with the server to get the one lie user list.

Therefore, it would have been obvious to one skill in the art to combine Kirmse's feature (connecting the server to get the on-line user list) with Lo's features (network scanning device) in such a way that the network servicing program ca receive the on-line user list from the server. The motivation to do so is to provide easy database management; since the user list and buddy list databases are stored at a central server, it is easy to manage. It would be difficult if the data bases are stored at non-central locations; database management must be done at every location since the information is stored in a scattered fashion.

6.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Lavendel.

Lo teaches all of the subject matter upon which this claim depends except for the image transmitting program generating a preview image and then transmitting it to the client.

However, Lavendel teaches a scanning application that generates a preview Also, it is conventional, that a scanning application is capable of generating a preview image.

Therefor, it would have been obvious to one skilled in the art to combine Lo et al's features with the preview feature disclosed by Lavendel in such a way that the client would receive a preview image before making a decision of receiving the actual image data. The motivation to do so is to give the client an opportunity to verify or confirm the reception of image data; further, if the client decides not to receive the image data after viewing the preview image, the network bandwidth is not wasted.

7.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Morris.

Lo teaches the use of scanners but does not teach the user of a digital camera as the image capturing device.

However, Morris discloses the sharing of an image capturing device on a computer network, and the image capturing device is a digital camera (see figure 1a, element 300), and also refer to col. 7, line 40).

Therefor, it would have been obvious to one skilled in the art t combine Lo's features with Morris's digital camera, so that images are shared among a group of users quickly upon being input.

8. Examiner's Remarks

Applicant's remarks have been considered but are unpersuasive for the reason that the plurality of user clients is anticipated by Lo. Lo teaches a plurality of client sources, see item 34 in figure 1, se also the plural work groups or network scanners according to col. 14, lines 65 – col. 15, line 9. See also col. 20, lines 32-37.

9.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II